

1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF OREGON
3 MEDFORD DIVISION

4 **Case 1:24-cv-1301-MC**

5 **David White, Pro Se P1**

6 18965 NW Illahe St,
7 Portland OR.

8 **dave@salmonprotectiondevice.com**

9 503-608-7611

10 CLASS ACTION COMPLAINT

11 COMPLAINT FOR
12 DECLARATORY JUDGEMENT,
13 DAMAGES
14 AND INJUNCTIVE RELIEF

15 **vs.**

16 **Defendant 1. (D1)**

17 **Chairman Willie L. Phillips, in his**
18 **Personal capacity as chairman of**
19 **Federal Energy Regulatory Commission (FERC)**
20 **202-502-8550 Chairman_Phillips_Meetings@ferc.gov**

21 **Defendant 2. (D2)**

22 **Commissioner Mark Christie in his**
23 **Personal capacity as Commissioner of**
24 **Federal Energy Regulatory Commission (FERC)**
25 **202-502-8110 Commissioner_Christie_Meetings@FERC.gov**

26 **Defendant 3 (D3)**

27 **Commissioner David Rosner in his**
28 **Personal capacity as Commissioner of**
29 **Federal Energy Regulatory Commission (FERC)**
30 **202-502-6500 Commissioner_Rosner_Meetings@FERC.gov**

31 **Defendant 4 (D4)**

32 **Commissioner Lindsay S. See in her**
33 **Personal capacity as Commissioner of**
34 **Federal Energy Regulatory Commission (FERC)**
35 **Commissioner_See_Meetings@FERC.gov**

1 **Defendant 5 (D5)**
2 **Commissioner Judy W. Chang in her**
3 **Personal capacity as Commissioner of**
4 **Federal Energy Regulatory Commission (FERC)**
5 **Commissioner Chang Meetings@FERC.gov**

6
7 **Debbie-Anne A. Reese 6 D6**
8 **in her personal capacity as**
9 **Secretary, Federal Energy Regulatory**
10 **Commission**
11 **888 First Street, N.E.**
12 **Washington, D.C. 20426**
13 **No contact email provided**

14
15 **Legal Counsel for all defendants**
16 **Danielle Mechling**
17 **Attorney-Advisor**
18 **Federal Energy Regulatory Commission**
19 **Office of Enforcement, Division of Investigations**
20 **Tel: 202-502-8924**
21 **Email: danielle.mechling@ferc.gov**

22
23 **TABLE OF AUTHORITIES**

25 1) 18 USC 3 accessory after the fact.....	17
26 2) 16 USCA § 1532(19);.....	3
27 3) Scott, J. M. & Karl, J. (1999) "Local and national protection of endangered	
28 species: An assessment," Environmental Science & Policy, 2, pp. 43-59.	
29 4) 18 U.S. Code § 41 - Hunting, fishing, trapping; disturbance or injury on	
30 wildlife refuges.....	3
31 5) The Endangered Species Act of 1973,	4
32 https://www.fws.gov/laws/endangered-species-act/section-11.	
33	
34 6) 18 U.S.C. § 1001 False Statements, Concealment.....	17
35	
36 7) 18 U.S.C. 1621 Perjury.....	17
37	
38 8) 29 CFR § 1606.8 (1) – Harassment has the purpose or effect of creating	
39 an intimidating, hostile or offensive working environment.....	17
40	

1	9) 33 U.S.C. §1251 et seq. (1972) Clean water act Section 404.....	14, 17,
2	29	
3		
4		
5	10) 28 U.S. Code § 4101.....	3
6		
7		
8	11) 22-451 June 28th, 2024 Loper Bright Enterprises v. Raimondo and	
9	Relentless, Inc. v. Department of Commerce.	
10	https://www.supremecourt.gov/opinions/23pdf/22-451_7m58.pdf	
11		
12	12) FRCP 3 (4).....	3
13		
14	13) 42 U.S.C. §7401 1970 Clean Air Act	
15		
16	14) Pagtalunan v. Galaza, 291 F.3d 639, 642 (9th Cir. 2002): Pagtalunan	
17	was Pro Se and made numerous mistakes in filing his complaint resulting	
18	in the case being dismissed. However, upon appeal, the higher Court	
19	ruled that the lower Court was in error because they did not give allowance	
20	for Pagtalunan's lack of legal training.....	3
21		
22	Plaintiff also has lack of legal training and respectfully requests the same	
23		
24	allowance the higher court said Pagtalunan should have received.	
25		

JURISDICTION

28 Jurisdiction

30 Basis for Jurisdiction

32 Basis for Jurisdiction is a federal environmental question. An
 33 Environmental disaster in the Klamath Basin has resulted from KRRC'
 35 willful destruction of the environment in violation of known stipulations and
 36 restrictions of the FERC license. These are in clear violation of the Federal
 38 Clean Air and Federal Clean Water Acts of the US Congress. Also includes
 40 Clean Air and Federal Clean Water Acts of the US Congress. Also includes

1 violations of killing fish including endangered Salmon without permits.
2
3 Additional violations are: 18 USC 3, 16 USCA § 1532, 18 U.S. Code § 41,
4
5 Item 3 below, The Endangered Species Act of 1973, 18 U.S.C. § 1001, 18
6
7 U.S.C. 621, 18 USC 3, 29 CFR § 1606.8, 28 U.S. Code § 4101, 33 U.S.C.
8
9 §1251, 29 CFR § 1606.8, 28 U.S. Code § 4101, 18 U.S.C. 1743 and FRCP
10
11 This Court has jurisdiction, over the subject matter of this complaint,
12
13 because the illegal and unlawful actions of KRRC are violating Federal Law,
14
15 to include (Wild and Scenic Rivers Act, PL 90-542), (Clean Water Act), and
16
17 (Commerce Clause of the Constitution). The Defendants are complicit in
18
19 these statute violations be providing KRRC with its license. Additionally, This
20
21 Court has jurisdiction, over the subject matter of this complaint, because the
22
23 massive environmental damage in the Klamath River basin is closest to this
24
25 court. Plaintiff presents this Complaint respectfully requesting this Court to
26
27 convene this case as an article III, of the U.S. Constitution Court case, per the
28
29 recent US Supreme Court ruling in 11) 2024 Loper Bright Enterprises v.
30
31 Raimondo and Relentless, Inc. v. Department of Commerce above. Article III
32
33 Section 2 of the U. S. Constitution stipulates that "The Judicial Power shall
34
35 extend to all cases in law and equity, arising under this constitution, the laws
36
37 of the United States and Treaties, which will be made under the Authority;
38
39 - to all cases affecting ambassadors, other public Ministers and
40
41

1
2 Counsels, to controversies to which the United States shall be a party;
3
4 - to controversies between two or more states, ... between citizens of
5
6 different states, between a state or the citizens thereof.

7
8 First Page, second paragraph, Held: The Administrative Procedure Act
9
10 requires courts to exercise their independent judgment in deciding whether
11
12 an agency has acted within its statutory authority, and courts may not defer
13
14 to an agency interpretation of the law simply because a statute is
15
16 ambiguous; Chevron is overruled. Pp. 7–35.

17
18 (<https://www.foleyhoag.com/news-and-insights/publications/alerts-and-updates/2024/july/chevrons-demise-and-what-it-means-for-healthcare-and-life-sciences-companies/>)

21
22 Therefore, agencies like the Federal Energy Regulatory Commission
23
24 (FERC) are no longer permitted to cherry pick data to match their
25
26 administrative agenda. For example, about 80% of Klamath Basin
27
28 residents were strongly opposed to the Klamath dams being removed,
29
30 which the FERC agency simply ignored.

31
32
33
34 VENUE
35

36 Venue is proper in this Court because the location of the Court is in
37
38 the same geographical location as the illegal acts that are NOW taking
39
40 place. The Court's location is close to the environmental damage incurred
41

1 and ongoing, allowing for easy visual inspection.

STANDING

5 The Klamath River's rights to a wild and scenic condition is actively being
6
7 violated by KRRC, the defendant's licensee, and therefore the Public
8
9 (Plaintiff and Class action members) have a legal right to speak on behalf
10 of the Klamath River. In addition, the public's right to enjoyment of that
11
12 condition as mandated by Congress has forever been taken away.

15 Therefore, Plaintiffs have standing. Additionally, this is a class action
16
17 complaint with class action members residing in the Klamath Basin which
18
19 extends from Klamath Falls Oregon to Yreka California.

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INTRODUCTION...

34 Plaintiff writes this Pleading reminding the Federal Court to
35
36 convene this case as an article III, of the U.S. Constitution Court case, per
37
38 the recent US Supreme Court ruling in 12) above. Article III, Section 2 of
39
40 the US Constitution stipulates that "The Judicial Power shall extend to all

1 cases in law and equity, arising under this constitution, the laws of the
2
3 United States and Treaties made or which will be made under the
4
5 Authority;

6 - to all cases affecting ambassadors, other public Ministers and
7
8 Counsels, to controversies to which the United States shall be a party;
9
10 - to controversies between two or more states, ... between citizens of
11
12 different states, between a state or the citizens thereof.

13 https://www.supremecourt.gov/opinions/23pdf/22-451_7m58.pdf
14 First Page, second paragraph, Held: The Administrative Procedure Act
15 requires courts to exercise their independent judgment in deciding whether
16
17 an agency has acted within its statutory authority, and courts may not defer
18 to an agency interpretation of the law simply because a statute is
19
20 ambiguous; Chevron is overruled. Pp. 7–35.

21
22
23
24 (<https://www.foleyhoag.com/news-and-insights/publications/alerts-and-updates/2024/july/chevrons-demise-and-what-it-means-for-healthcare-and-life-sciences-companies/>)

25
26
27 Therefore, agencies like the Federal Energy Regulatory Commission
28 (FERC) may no longer cherry pick data to match their administrative
29
30 agenda. For example, about 80% of Klamath Basin residents didn't want
31
32 the Klamath dams removed, which the FERC agency simply ignored.
33
34 Plaintiff is asking the court to take Judicial notice of the following well
35
36 documented case facts.

37
38
39
40 **BACKGROUND**
41

1 The 2018 FERC document (baseline document) required in item
2
3 (e) that the Klamath River Renewal Corporation (KRRC) must perform
4 mitigation prior to removing any dam on the Klamath River. In addition,
5
6 Items 24 to 30 contained local resident stakeholder's testimony expressing
7 concern for loss of fish life and arsenic from dried silt blowing in the wind.
8
9

10 Plaintiff has learned from KRRCs' Legal Counsel in Case 3:24-cv-00755-
11 JR that KRRC did in fact inform FERC that they had performed mitigation.
12

13 However, the environmental catastrophe they created proves that they
14 either did not mitigate, mitigated with inadequate or inappropriate
15 technique, or they mitigated the wrong issues. To illustrate, imagine a
16 highway with three trees overhanging at about a forty-five-degree angle.
17

18 The transportation department sent out a crew to mitigate the situation.
19

20 However, the crew removed three trees on the opposite side of the
21 highway. Subsequently, a leaning tree falls on a car and kills four people.
22

23 This is faulty mitigation. This is essentially what KRRC has done,
24 destroying some 2000 fish and a herd of elk and some deer. Yet, these
25 upstream assaults on the environment pale in comparison to KRRC's
26 wanton destruction of all aquatic life from Iron Gate dam to the ocean (120
27 river miles (RM) on January 23, 2024.
28

29 That's the result of their gross negligence in flushing 5 million metric yards
30 of arsenic, chromium 6, and DDT laden silt from behind the Dams.
31
32

1
2 This is silt on both sides of the river downstream of JC Boyle dam. If
3
4 KRRC had simply dredged behind the dam and scrubbed the silt on-
5
6 site the problem would have been mitigated with minimal effort and
7
8 expense. But due to their negligence and ignorance of scientific process,
9
10 these enormous and highly contaminated silt deposits, now extend for
11
12 hundreds of miles along the river banks. This is a violation of Clean Water
13
14 Act section 404 which only allows 1500 cubic yards of silt to be released
15
16 from any dam.

17
18 KRRC is not mitigating the contaminated silt simply by planting grass
19
20 and shrubs. This is nothing more than an attempt to cover up the crime.
21
22 Plants obviously absorb arsenic and other poisons from the soil, which in
23
24 turn kills any animal grazing along the shore. Unsuspecting humans are
25
26 likewise fishing and eating their catch with the same lethal outcomes
27
28 expected from previous testimony that Defendants ignored. This is a
29
30 life-and-death situation that required emergency relief when Plaintiff
31
32 first requested it 6 weeks ago and was denied by administrative
33
34 procedure and illegal delaying tactics. This is unconscionable. Is
35
36 this not akin to misprision of a felony? The court docket thus
37
38 demonstrates that case 3:24-cv-00755-JR final dismissal on 7/26/2024
39
40 must be vacated because it is based on untruthful filings of KRRC
41

1 defendants. That remedy and this Complaint are based on environmental
2 laws broken by KRRC defendants. Exhibit 2 is an untruthful letter sent to
3 Kimberly D. Bose by KRRC's untruthful legal counsel. This statement is
4 wrong! "On July

5 29, 2024, the Court issued an Opinion and Order ("Order") dismissing Mr.
6 White's case.

7
8 The Order is included here for reference as Attachment A. The Court saw Mr.
9 White's

10
11 lawsuit for what it was: an improper collateral attack on the Surrender Order.
12 Prior to

13
14 bringing his lawsuit against the Renewal Corporation this past spring"

15
16 Actually, it was July 26th date on the illegal dismissal. Because of KRRC's
17 legal counsels' untruthful filings the court illegally believed the case was
18 about FERC when FERC was not a defendant. FERC are pseudo scientists
19 and have violated the 2018 FERC document and multiple environmental
20
21 laws. Also this statement is wrong "Mr. White's filing does not comport with
22 the

23
24 requirements of Rule 713 and does not appear to be a competent pleading of
25 any type

26
27 allowed by Rule 202.)" Rule 713 section ii states: (ii) When the Commission
28 presides at

29
30 the reception of the evidence;" The evidence is clear in falsified filings of
31 KRRC.

32
33 Plaintiff uploaded a request for hearing and removal of KRRC's license in
34
35 P-14803-000.

1
2 Acceptance for Filing
3-----
4

5 The FERC Office of the Secretary has accepted the following electronic
6 submission for filing (Acceptance for filing does not constitute approval of any
7 application or self-certifying notice):
8

9 -Accession No.: 202407315185
10 -Docket(s) No.: P-14803-000
11 -Filed By: Dave White
12 -Signed By: Dave White
13 -Filing Type: Request for Hearing
14 -Filing Desc: Dave White submits Request for Emergency Hearing re the
15 Lower Klamath Hydroelectric Project under P-14803.
16 -Submission Date/Time: 7/31/2024 2:49:44 PM -Filed Date: 7/31/2024
17 2:49:44 PM
18

19 Your submission is now part of the record for the above Docket(s) and
20 available in FERC's eLibrary system at:
21

22 https://elibrary.ferc.gov/eLibrary/docinfo?accession_num=20240731-5185
23

24 If you would like to receive e-mail notification when additional documents are
25 added to the above docket(s), you can eSubscribe by docket at:
26

27 <https://ferconline.ferc.gov/eSubscription.aspx>
28
29

30 Thank you again for using the FERC Electronic Filing System. If you need to
31 contact us for any reason:
32

34 This complaint is to force the commissioners at FERC to cancel KRRC's
35 license and transfer it and KRRC's money to salmonprotectiondevice.com
36
37
38
39
40

41 **ARGUMENT**

1
2 The relatively simple task of dredging silt contained behind the 4 dams has
3
4 now been spread out over the 120 RM Klamath basin below the Iron Gate
5 Dam. Not to mention the 100+ river miles between the Iron Gate and the
6
7 JC Boyle Dam upriver in Oregon. Silt on both sides of the river will need to
8
9 be skimmed off, heat-treated in a decontamination, scrubbing facility, and
10
11 then returned to the mountains.

13
14 Plaintiff's team includes a PhD Chemical Engineer who has a contract with
15 ODFW, to remove these same chemicals from silt in Coos Bay. In addition,
16
17 this contractor has a lifetime of experience on major chemical engineering
18 projects and plants all over the world. This is the same process we will use
19
20 to clean up the silt in the Klamath basin.

23
24 KRRC's team doesn't know how to do any of this, and worse, didn't even
25
26 recognize the necessity. KRRC's team had five years to discover the 2011
27 agency-sponsored, chemistry test commissioned by Department of the
28
29 Interior. They either failed to find it or ignored it and didn't upload to the
30 FERC docket like Plaintiff.

33
34 We are dealing with pseudo-scientists (KRRC) who have no appreciation of
35
36 the scientific method. The first step in the scientific method is thorough
37 literature search to include existing reports of previous quantitative testing
38
39 and surveys as well as qualitative reports such as public hearings or focus

1 groups.

2

3 1. Screening-Level-Evaluation-of-Contaminants-in-Sediments.pdf

4 See chapter 3. Arsenic, Chromium 6, and DDT in the sediment
5 behind the dams. 2011 Report of extremely dangerous arsenic,
6 Chromium 6, and DDT contamination in the Klamath River System
7 silt. Also, fish tested have the same chemicals.

8

9 The information below is from the 2009-2011 chemistry test of silt
10 behind the Klamath River dams, commissioned by the Department of
11 the Interior. This previously inert silt behind the dams has now been
12 deposited on downstream riverbanks, thanks to KRRC's scientific
13 ineptitude. All the riverbanks are now contaminated with ultra-high
14 levels of arsenic, chromium 6 and carcinogens in the silt. No human
15 being should go near the river without a gas mask and the original
16 mitigation requirement of fencing must now be installed over twice as
17 much River mileage (RM) to prevent further destruction of wildlife.

18

19 This is a small price to pay for the KRRC's penchant for cutting
20 corners to get the job done quickly with no regard for the Federal law.

21

22 Chapter three Table 3.

23

24 Chemicals in 2009-2010 Klamath Reservoir Sediment that Exceed One
25 or More Human Health Sediment Screening Levels.

1 Copco 1 Reservoir

2 Arsenic concentration is 6.3 to 13 times concentration of 1 safe limits of
3 EPA RSL TOT CAR, CHHSL Res, CHHSL Comm.

4 BIS(2-CHLOROETHYL) ETHER, a carcinogen is at the limits of EPA
5 RSL.

6 J.C. Boyle Reservoir

7 Arsenic 38 to 214 times concentration of safe limits of EPA RSL TOT
8 CAR,

9 CHHSL Res, CHHSL, Comm.

10 4,4-DDT 12 to 103 times concentration of safe limits of ODEQ BSLV H-
11 S,

12 ODEQ BSLV H-G.

13 Iron Gate Reservoir

14 Arsenic 26 to 143 times safe concentration, exceeded all screening
15 levels high concentration. EPA RSL TOT CAR, CHHSL, Res, CHHSL,
16 Comm

17 BIS(2-CHLOROETHYL) ETHER, a carcinogen is at the limits of EPA
18 RSL.

19 Lower Klamath

20 Chromium at limit of SL1-FWS, SL2-FWS, FWS TEL, FWS LEL, FWS
21 PEL,
22 FWS TEC.

23 Upper Klamath

24 Chromium at limit of SL1-FWS, FWS TEL, FWS LEL, FWS PEL, FWS
25 TEC.

26 Lower Klamath Estuary

27 Arsenic is 8.2 to 46 times in concentration exceeding all screening
28 levels

29 EPA, RSL, TOT, CAR, CHHSL, Res, CHHSL, Comm.

30 Upper Klamath Estuary

31 Arsenic is 5.6 to 31 times safe concentration exceeding all screening
32 levels

1 EPA, RSL TOT CAR, CHHSL Res, CHHSL, Comm.
2 BIS(2-CHLOROETHYL) ETHER, a carcinogen is at the safe limits of
3 EPA
4 RSL

5
6 Signs should be posted in English and Spanish “Danger! Don't come
7 any closer to the river without a gas mask!”. The silt is contaminated
8 with deadly concentrations of arsenic, chromium 6 and DDT. See
9
10 Salmonprotectiondevice.com Klamath page.

11
12 The urgency of this injunction is underscored by reports of the threat
13 to humans and wildlife now emerging from the Klamath basin above
14
15 and below the Iron Gate Dam. One resident has preserved a dead
16 beaver in cold storage and we are moving to autopsy as soon as
17 possible with chain of custody confirmed.

18
19 We are also getting reports of unsuspecting fisherman returning to
20 the river to catch unsuspecting salmon entering from the Pacific.
21
22 They are completely oblivious to the deadly threat, which cannot be
23 detected by sight or smell.

24
25 As noted above, the concentrations of lethal chemicals are levels of
26 magnitude above government sanctioned safety limits. The picture
27 below is but one more illustration of KRRC's ineptitude and failure to
28

1 understand or comply with mitigation requirements. They assume that
2 simply planting grass and restoring native herbs and shrubs is
3 adequate for the task. No thought has been given to the lethal effect
4 this is having on wildlife grazing on the riverbanks. In reality, we are
5 looking at a likely EPA Super-Fund site of mammoth proportions.
6
7 Once again, we alerted EPA to the damage a few weeks ago, and
8 they have begun their investigation.

9
10
11 KRRC ignored all of this and frankly admitted in the OPB press
12 conference that they were just learning as they go along. OPB article
13 of press conference where KRRC admitted killing 2000 fish including
14 endangered salmon.

15
16 [https://www.opb.org/article/2024/02/18/klamath-reservoir-](https://www.opb.org/article/2024/02/18/klamath-reservoir-drawdown-water-quality-discussion/)
[drawdown-water-quality-discussion/](https://www.opb.org/article/2024/02/18/klamath-reservoir-drawdown-water-quality-discussion/)

17 “It was always expected that these species would not persist,” said
18 Dave Coffman, geoscientist for Resource Environmental Solutions, or
19 RES, during the press conference.” RES is KRRC subcontractor.
20
21 Read the whole article please!

22
23
24
25
26 The entire decision to vandalize and destroy this incredibly valuable |
27
28 public property was based entirely on ill-informed, and unscientific
29 complaints of upstream residents. They proceeded, with no regard
30
31
32
33
34
35
36
37
38
39

1
2 whatever for the water-rights of downstream users, and the far less
3
4 draconian remedies that would have respected the environmental
5
6 rights of everybody involved, upstream and downstream, in
7
8 accordance with the 7 environmental values of the Wild and Scenic
9
10 Rivers Act.

11
12 Had Plaintiff's original request for a "stop work" injunction (ECF5),
13
14 (3:24-cv-00755-JR) been honored back on May 5th, the two major
15
16 dams could have been salvaged from mindless destruction and at
17
18 least some of this damage would have been avoided.

19
20 This fiasco stands as a testimony of compliance with half-baked,
21
22 emotion charged, "radical environmentalist" ideology, while
23
24 completely ignoring sound principles of environmental science.

25
26 a. Plaintiff has explained in detail KRRC's failure to mitigate. This
27
28 failure led to deception of FERC and the Army Corps of
29
30 Engineers by filing false reports like a sham Chemistry test that
31
32 contradicts all other evidence, notably the Department of
33
34 Interior testing of lethal contamination between 2009 to 2011.
35
36 Instead of two years, KRRC's apparently threw their' s
37
38 (chemistry test) together slipshod in the period of a few days or

1
2 so.
3
4 This is exacerbated by their deception of FERC and the Army
5
6 Corps of Engineers in filings claiming they dredged behind the
7
8 dams. Exhibit 1 is a letter from CAMAS to the Army Corp about the
9
10 project containing KRRC's false claims. As an example: Page 2
11
12 lines 35 to 37 says: "While the Clean Water Act Section 404 permit
13
14 application (SPN-2003-279850) includes a maximum of 1,500
15 cubic yards of sediment relocation, the actual amount of dredged
16
17 sediment is expected to be much smaller."
18
19 However, KRRC released 5 million metric yards of silt from
20
21 the IRON gate dam in January, 23, 2024 all at one time. This is
22
23 hardly a minor oversight or miscalculation. This is a clear and
24
25 colossal violation of Section 404 permit application (SPN-2003-
26
27 279850) and the Federal Clean Water Act Section 404!
28
29 The Siskiyou News reported, that "There is no debate that the
30
31 release of about 5-million metric yards of sediment from Iron
32
33 Gate Dam on January 23, 2024, killed virtually all aquatic
34
35 lifeforms in the Klamath River all the way to the coast."
36
37 <https://www.siskiyou.news/2024/03/09/anyone-remember-the->
38

1 1964-klamath-river-flood/

2
3 Images below were taken in May 2024 of the environmental
4 destruction and contaminated silt on both sides of the river
5
6
7



8
9
10 This is the silt on both sides of the river downstream of JC Boyle dam. If
11 KRRC had dredged behind the dam, then these enormous and highly
12 contaminated silt deposits, extending for miles along the river banks, would
13 not exist. KRRC is not mitigating the contaminated silt simply by
14 planting grass and shrubs. Plants obviously absorb arsenic and other
15 poisons from the soil, which in turn kills any animal grazing along the
16 shore.
17
18
19
20
21
22
23



1
2
3 Here is a photo taken Wednesday, May 29th, 2024 upstream of JC Boyle
4
5 dam, exposing a complete mess behind the dam with no mitigation of
6 anything. Upstream dam silt is present in the image.
7
8
9

10 KRRC's so-called chemistry test violated every testing protocol.
11
12 For example, Defendants' conveniently left out required details about how
13
14 the samples were acquired, i.e. at the tributaries with pristine water. This
15
16 exposes further ignorance of the scientific method on the part of KRRC;
17
18 i.e., provision for repeatability of results. These deceptive documents were
19
20 uploaded to FERC and Army Corps of Engineers. Plaintiff through a

1
2 Freedom of Information Act request received these Corps filings of KRRC.
3
4 This is 18 U.S.C. § 1001 False Statements, Concealment, 18 U.S.C. 1621
5
6 Perjury and 29 CFR § 1606.8 (1).
7
8

CONCLUSION

9
10 KRRC killed 2000 fish including endangered Salmon and a herd of
11 elk without permits. KRRC also released 5 million metric yards of silt
12 from the Iron Gate Dam on January 23rd, 2024 which killed all aquatic life to
13 the coast. 120 river miles are devastated. This is a clear violation of the
14 clean water act section 404. KRRC knew full well (Exhibit 1 in February 17,
15 19
16 2022) that they were not permitted to release more than 1500 cubic yards
17
18 of silt from any of the dams. Their failure to comply has left silt deposits on
19
20 both sides of the Klamath River contaminated with extremely high
21
22 concentrations of arsenic and chromium VI.
23
24

25
26 This is far more than the amount permitted by the release of 1500 cubic
27
28 yards from each of the 4 dams. Many animals have perished because of
29
30 this malfeasance. There are reports of additional elk struggling in what
31
32 essentially amounted to an avalanche of quicksand, with local residents
33
34 heroic efforts to rescue them in vain.
35
36

37 KRRC has broken many environmental laws which transfer to the FERC
38
39

1 commission members by 18 USC 3 accessory after the fact.
2
3 More importantly, standing is inherent or built-in by the class action nature
4
5 of this case and by KRRCS violations of Federal Environmental law
6
7 and the seven values articulated therein, reserved for every citizen of the
8
9 United States. Also, class action members, residing a mere few miles from
10
11 the Iron Gate dam have legal standing on the basis of direct harm inflicted.
12
13 Their life and property are now at risk by the return of surge flood waters
14
15 that were endemic prior to installation of the dams. Google "images for
16
17 Klamath flooding in the 1960s":
18

19 <https://duckduckgo.com/?q=klamath+flooding+in+the+1960s&atb=v331-1&t=chromentp&iax=images&ia=images>

22 When the federal prosecutors learned of this case they directed the FBI to
23
24 investigate 4 Federal environmental laws confirmed broken, including
25
26 confession in a Press Conference to killing 2,000 fish and a herd of elk
27
28 without permits, as reported in an OPB article.

30 Oregon. It's very easy to see we must discourage the purchase of EV's as soon
31
32 as possible. In light of our looming power crisis removal of this vital source of
33
34 clean, renewable energy can only aggravate the problem. Removal of the Iron
35
36 Gate dam is insanity.

38
39 The table below, along with other critical information, was presented by a grid
40
41 expert at an October 18, 2023 Cascade Policy Institute Conference. Note that for

1
 2 this Winter, 2024-2025 the Northwest electric grid is projected to fall 927
 3
 4 megawatts short of demand. It is projected to be almost nine as bad in 10 years.
 5
 6 The grid expert said they are talking about activating virtual generators at homes
 7
 8 to help make up the difference when needed. For example, a virtual generator is
 9
 10 equipped to switch the smart meter on a home which is charging an electrical
 11
 12 vehicle at night and drain the Ev battery charge back into the grid.
 13

Northwest Region Requirements and Resources

Table 1. Northwest Region Requirements and Resources – Annual Energy shows the sum of the individual utilities' requirements and firm resources for each of the next 10 years. Expected firm load and exports make up the total firm regional requirements.

Average Megawatts	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33
Firm Requirements										
Load ¹	21,814	22,791	23,894	24,558	25,545	26,225	26,485	26,681	26,841	27,006
Exports	520	502	502	501	501	501	501	501	501	501
Total	22,334	23,293	24,195	25,060	26,046	26,726	26,986	27,182	27,342	27,507
Firm Resources										
Hydro ²	11,459	11,439	11,424	11,462	11,424	11,402	11,200	11,200	11,161	11,005
Small Thermal/Misc.	28	28	28	28	28	18	11	11	11	11
Natural Gas ³	4,107	4,497	4,801	4,551	4,546	4,544	4,474	4,426	4,225	4,222
Renewables-Other	276	275	273	274	269	268	268	266	264	260
Solar	503	503	503	502	502	501	501	500	498	483
Wind	1,757	1,747	1,747	1,721	1,661	1,623	1,611	1,596	1,596	1,622
Cogeneration	41	41	34	32	31	31	31	31	31	31
Imports	488	488	467	467	453	380	324	310	310	222
Nuclear	1,116	994	1,116	994	1,116	994	1,116	994	1,116	994
Coal	2,583	2,356	1,593	1,065	1,068	891	593	479	497	508
Total	22,357	22,368	21,985	21,096	21,087	20,652	20,127	19,810	19,708	19,357
Surplus (Deficit)	22	(927)	(2,210)	(3,963)	(4,949)	(6,074)	(6,850)	(7,372)	(7,834)	(8,190)

¹ Load net of energy efficiency

² Firm hydro for energy is the generation expected assuming critical (8%) water condition (the methodology is changed for the 2023 report)

³ More energy may be available from natural gas power plants

1 Also, anything that is done to reduce emissions of carbon dioxide
 2 takes 150 years to have an effect due to the phenomenon of residence
 3 time. Believe it or not, It takes that long for existing Carbon Dioxide
 4 to dissipate, so Electric Vehicles have zero effect on any imagined ill-
 5 effects of current CO₂ levels.

10
 11 https://cctruth.org/residence_time.pdf
 12

13 Atmospheric Carbon Dioxide residence time
 14

15 In a 2003 IPCC report, The Intergovernmental Panel on Climate Change
 16

17 gave a range of 5 years to 200 years for residence time, which can be a
 18

19 range of time. However, most Chemical Engineers use average residence
 20

21 time. That is what we are interested in. We need to know on average how
 22

23 long it takes a molecule to be consumed by photosynthesis, diffused to the
 24

25 exosphere, or captured by oceans. This time is at least 150 years. The full
 26

27 manuscript can be accessed at:

28 <https://agupubs.onlinelibrary.wiley.com/doi/full/10.1002/2017JD028121>
 29

30 This is more than 160 PhD in 19 published manuscripts summarized in
 31

32 one published manuscript.

Residence Time (Years)	Author	Year
700	Allen	2009
610	Zickfeld	2013
500	Matthews	2008

300	Plattner	2008
270	Cao	2010
230	Zickfeld	2012
220	Solomon	2012
220	Knutti	2012
210	Gillet	2011
180	Frolicher	2010
150	Hare	2006

1
2 Even at a residence time of 100 years, atmospheric CO₂ never lowers because
3 of working on emissions. Constraints for this chart.

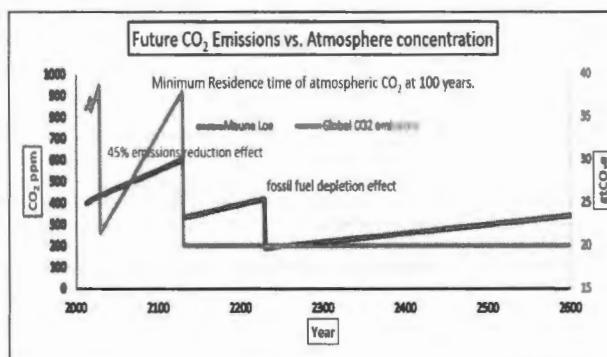
4
5 45% reduction in fossil fuel CO₂ emissions by 2030

6
7 55% reduction in fossil fuel CO₂ emissions by 2130 due to depletion of
8
9 those fuels. 2030 45% reduction in the rate of rise of Atmospheric

10
11 CO₂.

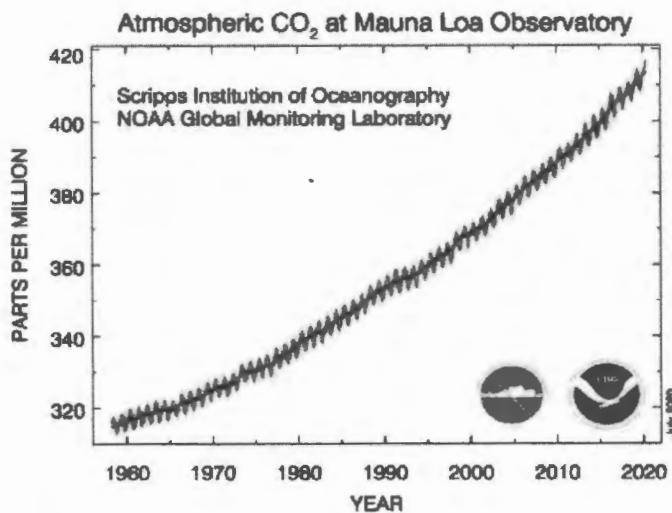
12
13 2130 45% reduction in CO₂ concentration

14
15 2230 55% reduction in CO₂ concentration and rate.



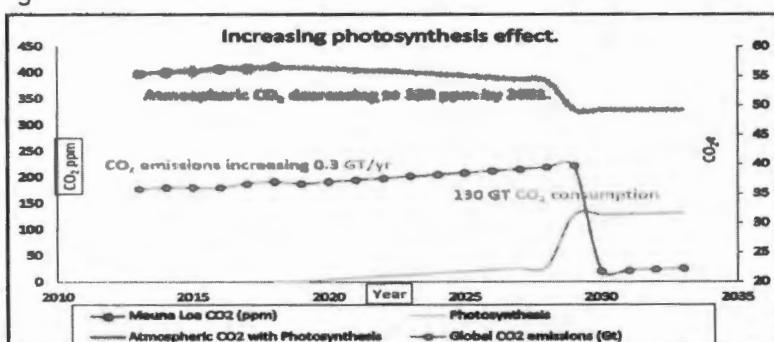
17 Another way to look at residence time is a signature from past events,
18
19 which lowered CO₂ emissions. As an example oil embargo in the 1970's,
20
21 multiple recessions and the big worldwide recession in 2009. The current

1
2 COVID-19 pandemic. These are examples of lowered worldwide
3
4 emissions. Below is the current graph of Mauna Loa CO₂. You can
5
6 clearly see no signature from these events.



10
11 Why is the residence time increasing? Because of massive worldwide non-sustainable deforestation.
12 <http://Globalforestwatch.org/map>
13
14 A selection of manuscripts: Northern Hemisphere forests are not consuming nearly as much carbon dioxide
15
16 as most climate change scientists claim. (Northern Hemisphere (NH) forests consume 2.6 gtyr⁻¹ (2.6 billion
17 tons per year) of carbon dioxide. We have 36 gtyr⁻¹ (36 billion tons per year) in CO₂ emissions. This is not
18 what lowers Mauna Loa in the NH summer with more economic activity and more CO₂ emissions.
19
20
21
22 <http://www.eeb.cornell.edu/goodale/2002%20GoodaleEcolAppl.pdf>
23 All tropical forests in the Southern Hemisphere have switched to become oxygen consumers and carbon
24
25 dioxide producers due to organic decay. (<https://science.sciencemag.org/content/358/6360/230/tab-pdf>

1 However, atmospheric carbon dioxide lowers quickly with increasing
 2 photosynthesis. Plant native trees!
 3



4
 5 But guess what does reduce atmospheric CO₂? It's called
 6 photosynthesis and thanks to massive reforestation efforts in China,
 7
 8 India and Pakistan, it's already solved the problem in the Northern
 9 hemisphere. Only fraudulent measurement techniques at NOAH have
 10 concealed this, but we at the official IPCC watchdog team have
 11 recently forced the firing of the fraud perpetrators.
 12
 13
 14
 15
 16
 17
 18

PRAYER FOR RELIEF

21 1. Plaintiff hereby respectfully requests the court to issue a Writ of
 22 Mandamus that Defendants charge Plaintiff's team with the task of
 23 restoring the Klamath river back to its Original Wild and Scenic
 24 condition with dams with fish ladders as mandated by Congress, and
 25
 26 2. grant Injunctive Relief to halt all further deconstruction. and Summary
 27 Judgement because Defendants licensee KRRC continues to ignore
 28
 29
 30
 31
 32

what they are legally required to do by FERC and Army Corp of
Engineers, and the federal Clean Water Act, Section 404. KRRC has
made public confession of these crimes and have nonetheless
proceeded with their nefarious,
criminal activity. The gravity of this case requires a court order that
commands a government official or entity to perform an act it is
legally required to perform as part of its official duties, or refrain from
performing an act the law forbids.

3. Plaintiff hereby respectfully requests the court to order Defendants to
immediately remove KRRC license and transfer all remaining control
and money to Salmon Protection Device non-profit.
Salmonprotectiondevice.com has engineers and scientists who know
how to mitigate the contaminated silt and install fish ladders on Iron
Gate and JC Boyle Dams.

4. Plaintiff respectfully requests the federal court to vacate the 3:24-cv-
00755-JR final dismissal on 7/26/2024. This Federal Court dismissal
was based on KRRC's legal counsel untruthful ECF's and wrong use
of case law and federal law. Plaintiff already warned them if they do
this again he will ask for full adjudication to the FBI to be prosecuted
to the full extent of the law.

1
2 5. Plaintiff respectfully requests the federal court to acknowledge standing
3
4 based on Federal Environmental laws broken with associated 7 Values
5 denied to Plaintiff , class action members and Plaintiff's actions taken
6
7 to move out of state to California due to harms
8
9 inflicted by
10
11 KRRC' malfeasance.
12

13 6. Plaintiff hereby respectfully requests the court to provide relief with a
14
15 and take judicial notice of KRRC's lethal environmental consequences
16
17 which must stop. Rule Salmon Protection Device remediation team to
18
19 the task of project mitigation immediately, to avoid more lethal
20
21 environmental consequences of KRRC's gross negligence. This is
22
23 much worse than the Exxon-Valdez oil spill because KRRC's actions
24
25 devastated all aquatic life west of the Iron Gate Dam and destroyed vital
26
27 estuaries. EPA has been notified and is likely to declare this a Super-
28
29 Fund Cleanup site.

30
31 This designation needs to specify that no person shall go near the
32
33 Klamath River without wearing a gas mask until the salmon protection
34
35 device team removes and scrubs the contaminated silt on the
36
37 riverbanks. Every day that goes by without an injunction is a threat to the
38
39 lives of local residents and wildlife. This amounts to failure to impede a

1 crime in process. How is this not akin to "Misprision of a Felony?"
2
3 The active agent in the crime must provide funds for replacement of the
4
5 J.C. Boyle and Iron Gate Dams. The Kiewit corporation knowingly
6
7 participated as accomplice in commission of this unconscionable crime
8 against the environment in spite of warnings. They proceeded with full
9
10 knowledge and warning of the environmental laws that they were
11
12 violating with impunity. This too-big-to-fail attitude must not go
13
14 unrequited.

15 Plaintiff requests a writ of mandamus and a Summary Judgment in
16 Plaintiff's favor because Defendants are clearly biased on Federal
17 Environmental law not doing what they are legally required to do.

18 Plaintiff respectfully requests the federal court to provide any cost to
19 the Plaintiff as the court sees fit .

20
21
22
23
24 Yes, Plaintiffs home is for sale. 18965 NW Illahe St, Portland, OR 97229 |
25 Zillow.

26 With a proper ruling by FERC or the Federal court, Plaintiff will
27 move back to the Klamath basin in California and rectify the environmental
28 mess left by KRRC.

29 Plaintiff was 11 Bravo in the Army and Vietnam who knows firsthand what a

1 war zone looks like. The devastation in the Klamath basin is akin to a war
2
3 zone.

Service

8 Fed. R. Civ. P. 4(e)". says (e)(1) "following state law for serving
9
10 a summons in an action brought in courts of general jurisdiction in the state
11 where the district court is located or where service is made; However, by
12 Oregon law email service is allowed. UTCR 8 21.10 (2) explains a
13 document may be a pleading or many other documents.
14
15 Rule 4M states plaintiffs can serve the summons up to 90 days' after
16 the complaint is filed.

CERTIFICATE OF SERVICE

28 I hereby certify that on August 8th, 2024, a true and correct copy of the above
29 document was electronically filed with the Clerk of the Court using CM/ECF.
30 A copy of the document will be served upon interested parties via the Notices
31 of Electronic Filing that are generated by CM/ECF. Additionally, a courtesy
32 copy is being provided as follows:

34 Attorney for Legal Counsel for all defendants
35 Danielle Mechling
36 Attorney-Advisor
37 Federal Energy Regulatory Commission
38 Office of Enforcement, Division of Investigations
39 Tel: 202-502-8924
40 Email: danielle.mechling@ferc.gov

1 Via hand delivery
2 Via U.S. Mail, 1st Class,
3 Postage Prepaid
4 Via Overnight Delivery
5 Via Facsimile
6 XX Via Email
7 XX Via CM/ECF notification
8 to the extent registered DATED: August 8th, 2024.
9 By: David White

D. Bell

11
12 David C. White Pro Se. August 8th, 2024

14 Exhibit 1



Environmental Regulatory Professionals

Camas, LLC
680 G Street, Suite C
Jacksonville, OR 97530
P 458.229.8392
www.camasslc.com

22 February 17, 2022 SPN: 2003-279850

24 L. Kasey Sirkin
25 Lead Biologist, Eureka Field Office
26 U.S. Army Corps of Engineers
27 601 Startare Drive, #13
28 Eureka, CA 95501

RE: Lower Klamath Dam Removal: Relocation of Sediments within Copco No. 1 and Iron Gate Reservoirs

34 Dear Ms. Sirkin,

35 On May 3, 2019, the Klamath River Renewal Corporation's (Renewal Corporation) submitted the USACE
36 Section 404 Application for the removal of four dams known as the Lower Klamath Project FERC No.
37 14803, USACE SPN-2003-279850. The Renewal Corporation then submitted two application updates,
38 August 4, 2020, and September 30, 2021. The updates provided additional information representing the
39 progression of design from 60% to 100%. The application updates included the activity for the removal of
40 a limited amount of accumulated sediment in front of mechanical equipment from the upstream side of
41 Copco No. 1 and Iron Gate dams to achieve operation of the equipment as part of dam removal. On January

1 20, 2022, we hosted a site visit to discuss dam removal activities that will occur in the “pre-drawdown
 2 year,” in which you attended, as well as William Conner and Tori White. During the visit, it was determined
 3 that additional information is recommended regarding the relocation of the accumulated sediment material
 4 into the Waters of the United States as the best and most reasonable option. This letter provides the
 5 additional information requested.

6 The dam removal process involves drawing the reservoir water levels down prior to commencing dam
 7 removal activities. Reservoir drawdown procedures at each facility differ based on dam configuration and
 8 existing conditions within each reservoir and adjacent areas. The drawdown operations at Copco No. 1 and
 9 Iron Gate dams require removal of reservoir sediment immediately in front of mechanical equipment prior
 10 to the beginning of drawdown. The removal will clear the openings of the new low-level outlet at Copco
 11 No. 1 and historic diversion tunnels at both Copco No. 1 and Iron Gate. Specific operations at each facility
 12 and rationale for retaining the accumulated sediments within Waters of the United States are described in
 13 the following paragraphs.

14 **COPCO NO. 1**

15 Copco No. 1 reservoir drawdown will be achieved by boring a low-level outlet tunnel through the center of
 16 the concrete dam from the downstream side during the pre-drawdown year, and then opening the low-level
 17 outlet to drain the reservoir. Once the reservoir is drawn down to the elevation of the historic cofferdam,
 18 the historic diversion tunnel will be opened to allow the reservoir to drain completely. The Renewal
 19 Corporation plans to remove approximately 15,000 cubic yards of accumulated sediment and debris fro
 20 the upstream end of the low-level outlet and historic diversion tunnel before opening them. Removing the
 21 sediment and debris will facilitate the safe passage of river flows and sediment during drawdown and during
 22 dam demolition and removal. The sediment removal will be conducted from a floating barge using a
 23 clamshell dredge, and the sediments will be relocated to an open water site within Copco No. 1 reservoir.

24 The Renewal Corporation conducted multiple design workshops as well technical meetings to establish the
 25 use of the low-level outlet and historic diversion tunnel as the best approach for achieving drawdown in a
 26 safe and efficient manner. As part of these meetings, the open water deposition site was determined to be
 27 the best option for relocation of the dredged sediments for these reasons:

- 28 1. The Proposed Action is intended to discharge the majority of accumulated reservoir sediment
 29 downstream. The sediment material directly in front of gates and tunnels will be the first sediment
 30 released. The placement of the dredged material from the gate and tunnel to the upstream
 31 location in the reservoir aligns with the intention of the Proposed Action. The newly placed
 32 dredged sediment will be suspended during drawdown and released. Placement in this upstream
 33 location will only delay the timing in which it will be released.
- 34 2. The upstream deposition site is on a submerged shelf that will become an upland area after dam
 35 removal. Any dredged sediment remaining after dam removal will be in an upland site outside of
 36 Waters of the United States. The reservoir upland areas will become property of the State of
 37 California after dam removal. The State of California is a co-licensee as part of the FERC process.
- 38 3. The open water deposition site location was selected to be far enough away from the dam and is
 39 in a shallow area, to limit any material transporting back to the dam site prior to drawdown,
 40 causing an impediment to the low-level outlet.
- 41 4. The reservoir inundated area is within the FERC Project Boundary, and therefore within the control

1 of the Renewal Corporation. The majority of the upland property surrounding Copco No. 1
2 reservoir is privately owned and therefore suitable upland locations are not accessible.

3 5. The dredging needs to be completed just before the opening of the low-level outlet, to remove
4 the risk of natural flow processes depositing sediment back in front of the outlet. The open water
5 deposition site allows for expedience in moving the material.

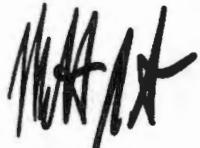
6 **IRON GATE**

7 The Iron Gate reservoir drawdown will be achieved by opening the gates of the historic diversion tunnel.
8 In the pre-drawdown year, additional inspections of the diversion tunnel approach channel may reveal
9 accumulated sediment. If the Renewal Corporation determines that accumulated sediment could cause an
10 obstruction to the diversion tunnel, divers will clear the sediment from the diversion tunnel approach
11 channel and side-cast the material within Iron Gate reservoir. While the Clean Water Act Section 404
12 permit application (SPN-2003-279850) includes a maximum of 1,500 cubic yards of sediment relocation,
13 the actual amount of dredged sediment is expected to be much smaller. Underwater video surveys and
14 sonar bathymetric surveys have shown very little sediment accumulation in the diversion tunnel approach
15 channel. This work activity was included in the permit application in case unexpected sediment has
16 accumulated in the time since the most recent surveys were completed in late August 2020. The river based
17 method of removing small quantities of sediment is the least impactful and most time efficient method
18 available. In-water relocation of the dredged sediment is appropriate as the sediment will be evacuated
19 from the reservoir area during drawdown, which is consistent with the goals of the Proposed Action.

20
21

1
2 If you require any further information or documentation, please direct any such request to my attention
3 at the contact details identified below. Thank you.
4

5
6 Sincerely,



8
9 Matt Robart, Project Scientist
10 Camas, LLC
11 matt@camasllc.com
12

13
14 cc: William Connor, North Branch Chief, Regulatory Division, U.S. Army Corps of
15 Engineers Mark Bransom, Chief Executive Officer, Klamath River Renewal
16 Corporation
17

18 Exhibit 2 untruthful letter sent by KRRC's legal counsel to Kimberly D. Bose.
19

20 PERKINSCOIE

10885 NE Fourth Street
Suite 700
Bellevue, WA 98004-5579
● +1 425.635.1400
● +1 425.635.2400
PerkinsCoie.com

21 August 5, 2024

22 VIA ELECTRONIC FILING

23 Kimberly D. Bose

24 Secretary, Federal Energy Regulatory

25 Commission

26 888 First Street, N.E.

27 Washington, D.C. 20426

28 Re: David White's Filing in Docket P-14803-000 ("Plaintiffs Request for
29 Emergency Hearing on Docket"), FERC No. 14803-000.

1 Dear Secretary Bose:

2 This letter addresses the filing by an individual, David White, posted July
3 31,2024, purporting to request an “emergency hearing on docket” and
4 seeking “FERC’ immediate action to rescind KRRC’s permit to remove the
5 Klamath River dams and restore the two dams they are destroying to their
6 previous condition with a trench to install a fish ladder.”¹ Mr. White’s
7 improper collateral attack on the Commission’s November 17, 2022 license
8 surrender order (“Surrender Order”) was recently rejected by the U.S.
9 District Court for the District of Oregon. Long after the deadline for
10 rehearing has passed, Mr White, an individual that was not a party to the
11 license surrender proceeding in question, now asks FERC to entertain his
12 untimely appeal. Mr. White’s request for an emergency hearing should be
13 rejected and his “request for rehearing” should be denied.

14 For context, the Klamath River Renewal Corporation (“Renewal
15 Corporation”), together with its co-defendants Mark Bransom and Dave
16 Coffman (together,“Defendants”), has for several months been engaged in
17 litigation to dismiss a lawsuit by Mr. White brought in the U.S. District Court
18 for the District of Oregon.⁵ In May 2024, Dave White submits Request for
19 Emergency Hearing re the Lower Klamath Hydroelectric Project under P-

20 14803. (July 31, 2024), FERC Accession no. 20240731-5185.

21 Order Modifying and Approving Surrender of License and Removal of
22 Project Facilities, 181 FERC ¶

23 61,122 (November 17, 2022).

24 3 Opinion and Order (July 26, 2024), White v. Klamath River Renewal
25 Corporation et. al., Case 3:24-cv-

26 00755-JR (D.OR.).

27 Mr. White’s filing does not comport with the requirements of Rule 713 and
28 does not appear to be a competent pleading of any type allowed by Rule
29 202. The Renewal Corporation does not concede that Mr. White’s
30 filing is sufficient to evoke the jurisdiction of the Commission for its stated
31 purposes. Moreover, Mr. White’s
32 factual allegations lack the support of evidence and are without merit.

1 5 Complaint, ECF 1 (May 3, 2024), White v. Klamath River Renewal
2 Corporation et. al., Case 3:24-cv-

3 00755-JR (D.OR.)

4 Kimberly D. Bose

5 August 5, 2024

6 Page 2

7 Mr. White filed a complaint to enjoin the decommissioning of the Lower
8 Klamath Project—a year and a half after the Commission issued its
9 Surrender Order and the Renewal Corporation initiated decommissioning
10 pursuant to that order. Mr. White also filed a motion for preliminary
11 injunction and various other “emergency” motions requesting, among other
12 things, to declare the “FERC document null and void,” impose criminal
13 penalties on Defendants, and require the reversal or at least major changes
14 to decommissioning, all of which the Court denied.

15 On July 29, 2024, the Court issued an Opinion and Order (“Order”)
16 dismissing Mr. White’s case. The Order is included here for reference as
17 Attachment A.

18 The Court saw Mr. White’s lawsuit for what it was: an improper collateral
19 attack on the Surrender Order. Prior to bringing his lawsuit against the
20 Renewal Corporation this past spring, Mr. White had no history of
21 participation in Docket P-14803-000 or its sub-dockets, and to our
22 knowledge never sought to intervene in the Commission’s proceedings
23 regarding license surrender and decommissioning of the Lower Klamath

24 Project. With his filing, Mr. White seeks to bring his impermissible attack on
25 the Surrender Order to the Commission, and where that attack failed before
26 the Court, it must also fail here. Plaintiff never sought rehearing of the
27 Surrender Order—no party did, for that matter—and the deadline to do so
28 is long past.

29 This latest effort to revive the lawsuit is frivolous. Dam removal is nearly
30 done. It is also vexatious. Before the Court, Mr. White filed a motion or
31 other pleading every three days on average, ignoring procedural orders. He
32 used these highly repetitive pleadings to attack the ethics and competency

1 of the Renewal Corporation and our contractors, the Court, and the
2 Commission alike. The prospect is more of the same here.

3 For the reasons stated above, the Commission should deny Mr. White's
4 untimely appeal and request for an emergency hearing. The Renewal
5 Corporation respectfully

6 seeks Commission Staff's input whether Mr. White's filing merits further
7 response. Should Commission Staff require any further information, please
8 direct any such requests to counsel as identified below.

9 Even assuming Mr. White had been granted intervenor status, the deadline
10 to seek rehearing was thirty days after the Commission's issuance of the
11 Surrender Order, or December 17, 2022. 18 C.F.R. § 385.713(b).

12 Kimberly D. Bose

13 August 5, 2024

14 Page 3

15 Respectfully submitted,

16 s/ Markham A. Quehrn

17 Markham A. Quehrn

18 Perkins Coie LLP

19 Attorneys for Klamath River Renewal Corporation

20 Richard Roos-Collins

21 General Counsel, Klamath River Renewal Corporation

22